

IN THE HIGH COURT OF JHARKHAND AT RANCHI

S.A. No. 73 of 1997(R)

Ramphal Tigga and others	...	...	Appellants
Versus			
Khasru Ghanshi and Ors.	...	...	Respondents

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Appellants	: Mr. Niraj Kishore, Advocate
	: Ms. Shobha Rani, Advocate
For the Respondents	: Mr. A. K. Sahani, Advocate
	: Ms. Trishna Sagar, Advocate

26/18.09.2025

Learned counsel for the parties are present.

2. Learned counsel for the appellants has submitted that the plaintiffs were claiming property measuring 1.66 acres on the basis of registered sale-deed dated 16.01.1987 executed in favour of the plaintiffs by two sons of Soma Ghansi namely, Kastu Ghansi and Mahrang Ghansi. Kastu Ghansi and Mahrang Ghansi were defendant nos. 7 and 8. He submits that the defendant nos. 7 and 8 had supported the case of the plaintiffs. He submits that after the purchase, the plaintiffs had applied for mutation which was numbered as mutation case no. 47-R-27 of 1987-88 and the mutation was partly allowed only to the extent of 90 ½ decimals vide order dated 28.03.1988 (exhibit-6). The order of mutation became final and ultimately, the suit was filed seeking declaration of title.

3. The learned counsel submits that as per R.S. record-of-rights, Khata No. 39 had total area of 9.78 acres which stood recorded in the name of Mangnu Ghansi and Soma Ghansi. The property is in village-Jarda, P.S. Dumri, District Gumla.

4. So far as Mangnu Ghansi is concerned, he had only three daughters; Niro, Biro and one more daughter who died issueless. Niro had three sons namely, Patru Ghanshi, Khasru Ghanshi and Lasru Ghanshi who were defendant nos. 1, 2 and 3 in the suit. Biro had three sons namely, Rangila Ghanshi, Konda Ghanshi and Firu Ghanshi who were defendant nos. 4, 5 and 6. He submits that the property was purchased from the legal heirs and successors of Soma Ghansi who

was shown in the record-of-rights along with Mangnu Ghansi. The descendants of Mangnu Ghansi were the contesting defendants.

5. Learned counsel for the appellants further submits that the son of defendant no. 7 namely, Ranglal Ghanshi had transferred a portion of the property vide registered sale-deed dated 08.01.1986 (exhibit-3) to the defendant no. 3. Therefore, the defendant no. 3 had duly acknowledged that the ownership of the property was with the descendant of Soma Ghansi.

6. The defendants exhibited the C.S. record-of-rights vide exhibit-D and D/1 in which the property was shown only in the name of Mangnu Ghansi. The learned counsel submits that there was discrepancy in exhibit- D and D/1 which ultimately got resolved when the R.S. record-of-rights was prepared and in R.S. record-of-rights the property was shown in the name of Mangnu Ghansi and also Soma Ghansi.

7. The learned counsel submits that the law is well-settled that in case of discrepancy between entry in C.S. record-of-rights and R.S. record-of-rights, the entry in the R.S. record-of-rights will prevail. For this, the learned counsel for the appellants has relied upon the judgment passed by Hon'ble Supreme Court reported in *AIR 1963 SC 361 (Sri Raja Durga Singh of Solon Vs. Tholu and Others)* and also the judgment passed by a Full Bench of Hon'ble Patna High Court reported in *1987 PLJR 354 (FB)*. He submits that these two judgments have been considered by this Court in the judgment passed in S.A. No. 219 of 2022.

8. The learned counsel for the appellants has also relied upon the judgment passed by this Court reported in *2003 (2) JLJR 708 (Dwarika Sonar and others Vs. Most. Bilguli and others)*, where one of the substantial questions of law was – “(i) *What will be the effect in law of the two different entries made in the two different survey settlement of records of right under S. 84(3) of the Chotanagpur Tenancy Act.*”. He submits that the said question of law was decided by holding that the subsequent record-of-rights would prevail over the

previous one. He has also submitted that it is not in dispute that R.S. record-of-rights is subsequent to C.S. record-of-rights.

9. Learned counsel for the appellants has also placed paragraph 9 of the aforesaid judgment passed in ***Dwarika Sonar (Supra)*** which is quoted as under:

“9. As noticed above, the admitted fact is that the revisional survey records of rights was finally published in the year, 1966 and the records of right in respect of the suit property was published in the name of the defendants. The question, therefore, that falls for consideration is as to what will be the effect in law of the two different entries made in the two different survey settlement of records of right, namely, cadastral survey and revisional survey records of right. It is well settled that if there is conflict between two entries in the records of right then the latter records of right will prevail. A similar question arose before the Supreme Court in the case of Sri Raja Durga Singh of Solon v. Tholu, AIR 1963 SC 361 where their Lordships held that where there is such conflict in the two entries, it is the latter entry which must prevail. It was further observed that where new entry takes the place of the old one, there shall be presumption of correctness of the new entry until and unless it is established to be wrong or substituted by another entry.”

10. Learned counsel for the appellants has submitted that exhibit- D and D/1 did not relate to the property involved in the present case and were relating to Mouza Barwe shown in the name of the landlord namely, Sk. Bahadur Ali. He further submits that exhibit – A series are the rent receipt issued by Maharaja Pratap. So far as the R.S. record-of-rights is concerned, the same shows the landlord as Maharaja Pratap and the property has also been shown in Mouza Jarda, P.S. Chainpur, District Gumla.

11. The argument has remained inconclusive.

12. Post this case tomorrow i.e. on 19th September 2025 for further hearing to be taken up at 10:30 a.m.

(Anubha Rawat Choudhary, J.)

18th September 2025

Pankaj